

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2001-021556

03/17/2003

HONORABLE CARI A. HARRISON

CLERK OF THE COURT  
S. Stewart  
Deputy

FILED: 03/21/2003

SUNSTATE EQUIPMENT CO LLC

FRANCES J HAYNES

v.

PHASE II CONCEPTS INC, et al.

JOHN A O'NEILL

SCOTT A KLUNDT  
ROBERT J TRAICA  
DAVID M COLBY  
BRADLEY ELECTRIC INC  
1415 E GUADALUPE SUITE 104  
TEMPE AZ 85283  
DALE EVANS  
AKAYLA CUSTOM HOMES INC  
7556 E KIVA  
MESA AZ 85028

**RULING**

The Court has considered the Defendants Phase II Concepts, Inc. and Steven Holub and Jane Doe Holub's Motion to Dismiss, the Plaintiff's Response and Cross-Motion for Summary Judgment, the Defendants' Reply and Response and the Plaintiffs' Reply on the Cross-Motion.

The Court finds that the date to effect service of process was appropriately extended and that no prejudice resulted to Defendants by the extension. Furthermore, Plaintiff could simply re-file this cause of action as the statute of limitations has not expired.

The parties have submitted affidavits in support of their positions on the Cross-Motion for Summary Judgment. The Court finds that there are issues of fact that preclude entry of judgment as a matter of law.

**IT IS ORDERED DENYING** Defendants' Motion to Dismiss and Plaintiff's Motion for Summary Judgment.